

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Zengpin YU, Danhua ZHAO, Thomas P. NEFF, Wei ZHANG and Shih-Ping WANG

Serial No.: 10/560,200

Date Filed: June 18, 2004

Int'l Appl'n Filing Date: 18 June 2004

For: FULL-FIELD BREAST ULTRASOUND SYSTEM AND ARCHITECTURE

This correspondence is being filed electronically with the U.S. Patent and Trademark Office via EFS-Web.


Ivan S. Kavruk
Reg. No. 25,161

Feb 10, 2010
Date

30 Rockefeller Center, 20th Floor
New York, New York 10112
TEL: (212) 278-0400

Attn: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

***Petition to Withdraw Holding of Abandonment
Based on Failure to Receive Office Action
Pursuant to MPEP 711.03(c)(I)(A)***

Applicants hereby petition for withdrawal of the holding of abandonment resulting from non-receipt of Office Actions, pursuant to MPEP 711.03c(c)(I)(A).

Please note that, per change of address notice filed on 12/15/2009, the current address of applicants' attorney is:

Ivan Kavruk
Cooper & Dunham, LLP
30 Rockefeller Plaza, 20th Floor
New York, NY 10112

Please charge our Deposit Account No. 03-3125 for any fees that may be required in connection with this Petition.

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FACTS:

1. I am the practitioner responsible for the prosecution of this application.
2. I and the firm first discovered, through a routine check of the PAIR system on January 31, 2010, the existence of a Notification of Missing Requirements showing a mailing date 03/24/2006 (the "Notification"), and a Notice of Abandonment showing a mailing date 11/26/2007 (the "Notice"). Copies of the Notification and the Notice, printed from the PAIR electronic file wrapper on January 31, 2010, are attached as **Exhibits A and B** hereto, respectively.
3. Neither was received by me or the firm before their discovery through PAIR, although each bears on its first page the correct firm's address at the time. We were not previously aware of either the Notification or the Notice.
4. I have checked all records kept by me and the firm for this patent application, and confirm that none show receipt by me or anyone in the firm of the Notification or the Notice before their discovery through PAIR, or previous awareness of either.

Specifically:

- a. The file that we maintain for this application does not contain a copy of either the Notification or the Notice, or any indication or entry that either was received;
- b. The complete docket record for this application maintained in the firm's computerized docketing system also does not show or indicate receipt of either the Notification or the Notice. A printout of that docket record in its entirety is attached hereto as **Exhibit C**, and shows that the application was filed on 6/18/2004 (international filing date of PCT/US04/19488, of which this application is a national stage application assigned U.S. Ser. No. 10/560200), and an IDS was mailed to the PTO on 4/6/2007. However, the docketing record printout does not show receipt of either the Notification or the Notice. If either had been received, the attached docket record printout would show the receipt of such Notification and/or Notice;

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- c. Over the pertinent time period, the firm continuously maintained a computerized docketing system, designed to be reliable, in which is recorded receipt of Office Actions and other communications from the Patent Office. Had either of the Notification and Notice been received, the firm' docketing system would have recorded such receipt. However, there is no record or indication of their receipt prior to their discovery through the PAIR system on January 31, 2010.
5. I and the firm never intended to abandon this application, and have never received instructions from the inventors of the assignee to abandon it.
6. The sole reason for the abandonment is that neither I nor the firm received the Notification or the Notice and only became aware of them through a routine check of the PAIR system on January 31, 2010, whereupon we immediately investigated our records, sought to secure the inventors' signature on the Declaration and Power of Attorney in order to respond to the Notification, and commenced preparation of this Petition.

CONCLUSION:

Based on the facts stated above, applicants respectfully request that the holding of abandonment be withdrawn and the application be forwarded for issuance of a new Notification and examination on the merits.

Respectfully submitted,



Ivan S. Kavrukov, Reg. No. 25,161
Attorney for Applicant
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York, NY 10112

EXHIBIT A

to

Petition to Withdraw Holding of Abandonment Based on Failure

to Receive Office Action Pursuant to MPEP 711.03 (C) (I) (A)

Serial No. 10/560,200


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,200	Zengpin Yu	2692/72616-PCT-US
INTERNATIONAL APPLICATION NO.		
PCT/US04/19488		
I.A. FILING DATE	PRIORITY DATE	
06/18/2004	06/20/2003	
CONFIRMATION NO. 5507		
371 FORMALITIES LETTER		
 *OC00000018364911*		

Date Mailed: 03/24/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/08/2005
- Copy of the International Search Report filed on 12/08/2005
- Information Disclosure Statements filed on 12/08/2005
- Request for Immediate Examination filed on 12/08/2005
- U.S. Basic National Fees filed on 12/08/2005
- Priority Documents filed on 12/08/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$315 for a Small Entity:

- **\$65 Surcharge.**
 - The application search fee has not been paid. Applicant must submit \$50 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
 - The application examination fee has not been paid. Applicant must submit \$100 to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is \$ 100
 - \$100 for 1 independent claims over 3.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,200	PCT/US04/19488	2692/72616-PCT-US

FORM PCT/DO/EO/905 (371 Formalities Notice)

EXHIBIT B

to

Petition to Withdraw Holding of Abandonment Based on Failure

to Receive Office Action Pursuant to MPEP 711.03 (C) (I) (A)

Serial No. 10/560,200



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,200	Zengpin Yu	2692/72616-PCT-US
Ivan S Kavrukov Cooper & Dunham 1185 Avenue of the Americas New York, NY 10036		INTERNATIONAL APPLICATION NO. PCT/US04/19488
		IA. FILING DATE PRIORITY DATE 06/18/2004 06/20/2003

**CONFIRMATION NO. 5507
 371 ABANDONMENT/TERMINATION
 LETTER**



OC000000026692913

Date Mailed: 11/26/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 03/24/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

EXHIBIT C

to

Petition to Withdraw Holding of Abandonment Based on Failure

to Receive Office Action Pursuant to MPEP 711.03 (C) (I) (A)

Serial No. 10/560,200



Patent: 72616-PCT-US, United States, REGULAR CASE TYPE, NATIONAL CASE, ORIGINAL OR PATENT CASE

Patent Data

Docket Number	72616-PCT-US	Attorney	IVAN S. KAVRUKOV
Country	United States	Agent	
Case Type	REGULAR CASE TYPE	Client\Division	U-SYSTEM, INC
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	U-SYSTEM, INC.
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		On Denmemeyer (yes/no)	
Status	Filed	First Filing Date	6/20/2003
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	6/18/2004
Parent Number	PCT/US04/19488	Parent Grant Date	
Application Number	10/560200	Application Date	6/18/2004
Patent Number		Grant Date	
Publication Number		Publication Date	
Assigned		Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	D4PP	Customer Name	Cooper & Dunham

Title

FULL-FIELD BREAST ULTRASOUND SYSTEM AND ARCHITECTURE

Description

Current Expense Information

Other Case-Related Information

Actions							
Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
File Assignment				3/8/2006			
PCT APPLICATION HAS BEEN FILED							

File IDS based on Search Report	4/6/2007	4/9/2007
Projected Publication date	12/20/2004	
Check Declaration/Refund (if needed)	2/8/2006	2/8/2006
Information Disclosure Statement	3/8/2006	12/8/2005
File Assignment	4/8/2006	N/A

CreateUser: MAL UpdateUser: CDUN\METRMICH

CreateDate: 12/9/2005 UpdateDate: 4/26/2007

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